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February 20, 2020

BY ECF

The Honorable Roanne L. Mann
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Lucas v. City of New York, et al., 19 CV 3494 (FB)(RLM)

Your Honor:

I am the Special Corporation Counsel for the City of New York and, with Senior Corporation Counsel Joanne M. McLaren, represent the defendants in the captioned litigation. Defendants write with the consent of plaintiff's counsel to respectfully request an enlargement of time until March 13, 2020 for defendants to make a supplemental production in accordance with Your Honor's December 20, 2019 order. Thereafter, with the Court's permission, defendants will continue to produce documents from the QCDAO on a rolling basis to plaintiff. I have spoken with plaintiff's counsel Gabriel Harvis, Esq., and he graciously consented. He also agreed with defendants' assessment that the previously scheduled March 17, 2020 settlement conference should not be affected were the Court to grant this request.

By way of background, in an Order dated December 16, 2019, Your Honor instructed defendants to produce the entire Queens County District Attorney's Office's ("QCDAO") file to plaintiff by no later January 3, 2020. By letter dated four days later, December 20, 2019, this office requested an enlargement of time, to and including February 21, 2020 to comply with Your Honor's order. At that time, defendants informed Your Honor that additional time was needed in light of the fact that the QCDAO "reportedly span more than 100,000 pages." Your Honor granted the request the same day.

The size of the QCDAO file was substantially underestimated when it was reported. Although our initial information suggested that the file was approximately 100,000 pages, defendants have since received approximately 750,000 pages from the QCDAO. We understand that additional documents are still forthcoming from QCDAO. Since receiving these documents from the QCDAO, defendants have reviewed approximately 188,000 pages of electronic documents and same will be produced to plaintiff on February 21, 2020 in accordance with Your Honor's instruction. Defendants have also reviewed numerous audio and video files which will be included in this week's production to plaintiff. In order to review these documents, four attorneys spent approximately 400 hours. Additional time was spent by this office's "E-Discovery" counsel. Notwithstanding all the above, approximately 563,000 pages of similar electronic pages of documents have yet to be reviewed and produced (of the original 750,000) in addition to the remaining documents which have not yet been received by this office. These remaining documents will be produced expeditiously to plaintiff and on a rolling basis.

The parties remain amenable to attending the March 17, 2020 settlement conference with Your Honor. To that end, defendants have requested that plaintiff provide a *reasonable* settlement demand which defendants will assess. The parties thank the Court for its consideration of this request.

Respectfully,

Curt P. Beck

CPB/hs

c: Gabe Harvis,, Esq. (by ECF and email)
Baree Fett, Esq. (by ECF and email)
Joanne M. McLaren (by ECF and interoffice mail)